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REMARKS

Claims 14-26 are rejected, under 35 U.S.C. § 103, as being unpatentable over Musachio '285 in view of Andre '717. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

Upon review of the grounds for rejection expressed in the present Action, the Applicant amended independent claim 14 herein above to more explicitly recite the present invention and to thereby more explicitly recite the fundamental distinctions between the present invention and the cited prior art.

Therefore first considering the present invention as recited in claim 14 as amended herein above, the present invention is directed to a device for permanently monitoring a ground for safety purposes on a self-guided public transportation vehicle. The vehicle utilizes electrical energy as a driving force and runs on tires along a metal guide rail that is connected as a ground and has at least one self-guiding assembly governing a movable directional assembly with at least one guide wheel traveling along the metal guide rail. The device of the present invention includes at least two electrical contact elements that are separated from one another and that both contact the grounded metal guide rail. The contact elements are together with a portion of the guide rail extending between the contact elements form a safety loop supplied from a low voltage electrical generator with terminals (BT+ and BT-) connected to the safety loop. A current passage detector is connected to the safety loop to detect a current flowing in the safety loop and furnishes a signal that is dependent upon the current in the safety loop and that indicates whether the safety loop is open or closed depending upon whether electrical contact at a level of the contact elements is satisfactory or unsatisfactory. When the electrical contact is unsatisfactory, the signal generated by the current passage detector causes safety elements to be engaged.

Now first considering Musachio '285, this reference relates to an electrically powered vehicle that runs along rails that are divided into successive segments wherein the individual segments are switched to either an electrical power source or a ground as the vehicle moves along the rails, with the connections depending upon the position of the vehicle along the rails.

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Electrical power and ground contacts between the vehicle and the rails are provided by contacts mounted on the vehicle that move in contact with the rails as the vehicle moves along the rails. According to Musachio '285, the vehicle has at least three contacts spaced apart so that at least two contacts will connect with a powered rail segment and a ground rail segment at all times, thereby avoiding power or ground interruptions due to the spaces between the rail segments.

It is, therefore, apparent that there are a number of fundamental distinctions between the present invention as recited in claim 14 and the teachings of Musachio '285. For example, the Musachio '285 system is directed only to the supply of power to the vehicle and, more specifically, is designed only to insure that there are contact connections between the vehicle and a powered rail segment and a grounded segment. For this reason, Musachio '285 describes and discusses and is concerned with only the connections between the vehicle motor system and the powered and grounded rails that are necessary to provide power to the vehicle.

In complete contrast from the teachings of Musachio '285, however, the present invention as recited in amended claim 14 is not directed to and does not concern the supply of power to the vehicle in any way, but is instead directed entirely at monitoring the safety of an electrically power vehicle by monitoring the quality of a ground connection between a ground rail and the elements of the vehicle that a passenger may come into contact with.

To illustrate this very fundamental distinction between the present invention and Musachio '285, it must be noted that in the Musachio '285 system a vehicle will continue operation so long as there is a sufficient connection between the vehicle and the power and ground rails to cause a sufficient flow of power current to the vehicle, and that the Musachio '285 system is designed to insure that such connections exist. In the Musachio '285 system, therefore, the vehicle will be stopped only if the connection to power or ground is so poor as to effectively be no connection at all, that is, so that there is an open circuit, so that a Musachio '285 vehicle will continue to operate even if the ground connection between the vehicle and the ground rail is so poor as to be a hazard to the passengers.

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The present invention is thereby completely distinguished from Musachio '285 because Musachio '285 does not attempt to monitor the quality of a connection between a vehicle ground and the grounded rail, does not attempt to determine whether the vehicle is grounded for safety purposes, does not even suggest the use of a safety loop to monitor a ground connection, and in general is not involved in any way with safety issues.

It is, therefore, apparent that Musachio '285 and the present invention are directed to entirely different and completely unrelated elements and functions of electrically power rail vehicles and that Musachio '285 thereby does not teach or suggest the present invention as recited in claim 14 to those of ordinary skill in the arts under either 35 U.S.C. § 102 and/or 35 U.S.C. § 103. It will be noted that claims 15-27 are all directly or indirectly dependent from independent claim 14 and thereby incorporate all recitations and limitations of claim 14, so that claims 15-27 are fully distinguished over Musachio '285 for the same reasons that claim 14 is fully distinguished over Musachio '285.

The Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw all rejections of claims 14-27 based upon Musachio '285 under either 35 U.S.C. § 102 and/or 35 U.S.C. § 103.

Now considering Andre '717, this reference relates to a system wherein an electrically power rail guided vehicle includes guide wheels that engage with and draw power from a rail that is connected to an electrical power supply and that is located at or under the surface on which the vehicle is traveling, thereby presenting a significant hazard. Andre '717 describes a mechanism for protecting people from the powered rail by enclosing or covering the powered rail with a flexible linear closure that is opened by closure opening elements that are mounted to or part of the structure supporting the guide wheels.

Andre '717 is thereby not concerned with the quality of a ground connection between the vehicle and a ground rail, but is solely concerned with preventing contact between passengers or other people and the powered rail.

The present invention is thereby completely distinguished from Andre '717 because Andre '717 does not attempt to monitor the quality of a connection between a vehicle ground

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and the grounded rail, does not attempt to determine whether the vehicle is grounded for safety purposes, does not even suggest the use of a safety loop to monitor a ground connection and, in general, is not involved in any way with safety issues involving grounding of the elements of the vehicle that a passenger may come into contact with.

It is, therefore, apparent that Andre '717 and the present invention are directed to entirely different and completely unrelated elements and functions of electrically power rail vehicles and that Andre '717 thereby does not teach or suggest the present invention as recited in claim 14 to those of ordinary skill in the arts under either 35 U.S.C. § 102 and/or 35 U.S.C. § 103. It will be noted that claims 15-27 are all directly or indirectly dependent from independent claim 14 and thereby incorporate all recitations and limitations of claim 14, so that claims 15-27 are fully distinguished over Andre '717 for the same reasons that claim 14 is fully distinguished over Andre '717.

The Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw all rejections of claims 14-27 based upon Andre '717 under either 35 U.S.C. § 102 and/or 35 U.S.C. § 103.

Now considering the combination of Musachio '285 in view of Andre '717, it is apparent that, in contrast from the present invention, neither Musachio '285 nor Andre '717 is concerned with the quality of a ground connection between the vehicle and a ground rail. Neither of Musachio '285 nor Andre '717 attempts to monitor the quality of a connection between a vehicle ground and the grounded rail, or attempts to determine whether the vehicle is grounded for safety purposes, or even suggests the use of a safety loop to monitor a ground connection, or is concerned in any way with safety issues involving grounding of the elements of the vehicle that a passenger may come into contact with.

In fact, and in contrast from the present invention, the sole result of a combination of Musachio '285 in view of Andre '717 would be the segmented, multi-contact system of Musachio '285 wherein the rails would be enclosed by the linear closure of Andre '717

It is, therefore, apparent that Musachio '285 in view of Andre '717 and the present invention are directed to entirely different and completely unrelated elements and functions of

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electrically power rail vehicles and that Musachio `285 in view of Andre `717 thereby does not teach or suggest the present invention as recited in claim 14 to those of ordinary skill in the arts under either 35 U.S.C. § 102 and/or 35 U.S.C. § 103. It will be noted that claims 15-27 are all directly or indirectly dependent from independent claim 14 and thereby incorporate all recitations and limitations of claim 14, so that claims 15-27 are fully distinguished over Andre `717 for the same reasons that claim 14 is fully distinguished over Andre `717.

The Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw all rejections of claims 14-27 based upon Musachio `285 in view of Andre `717, under either 35 U.S.C. § 102 and/or 35 U.S.C. § 103, and allow claims 14-27 as amended herein above.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Andre `717 and/or Musachio `285 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

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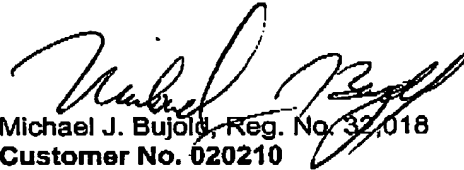
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The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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